

### **REMARKS**

This is in response to the outstanding Non-Final Office Action dated February 3, 2009. Claims 24-26 have been cancelled. Claims 1-23 are currently pending in this application. Claims 1, 2, 5, 6, 9, 10 and 11 have been amended. No new matter is added.

#### **Examiner Interview**

Applicants' attorneys conducted a telephone interview with Examiner Hale on March 13, 2009. Applicants' attorneys thank Examiner Hale for the courtesies extended by the Examiner during the interview. During the interview, the *Takatomor* reference was discussed as well as the addition of new drawings to support claims 24-26. Applicant further note that, as discussed, a literal translation of *Takatomor* is attached hereto as Exhibit A.. All citations below reference the translated text.

#### **Claim Objections**

Claims 1, 2, 5, 6, 9, 10 and 11 are objected to because of informalities Applicants thank the Examiner and have amended the claims to correct them. No new matter is added.

#### **Claim Rejections Under 35 U.S.C. § 102**

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by *Takatomor*, JP 11061516(A) ("*Takatomor*"). Applicants respectfully traverse this rejection.

Applicants submit that in order for a reference to anticipate a claim, the reference must disclose each and every limitation of the claimed invention. *Dana Corp. v. Am. Axle & Mfg., Inc.*, 61 USPQ 2d 1609 (Fed. Cir. 2002). It follows that if a reference does not disclose a limitation of the claims, it cannot be said to anticipate the claim. Claim 1 presently recites:

A crotch-possessing corrective garment comprising: a tightening portion in an area fitting over a wearer's body, for which the magnitude of the tightening portion's resistance to stretching varies with direction; wherein when the garment is being worn, the tightening portion runs from above the anal cleft of the wearer's body, extending both left and right passing above the left and right buttocks of the wearer's body, and downwards to a position overlying

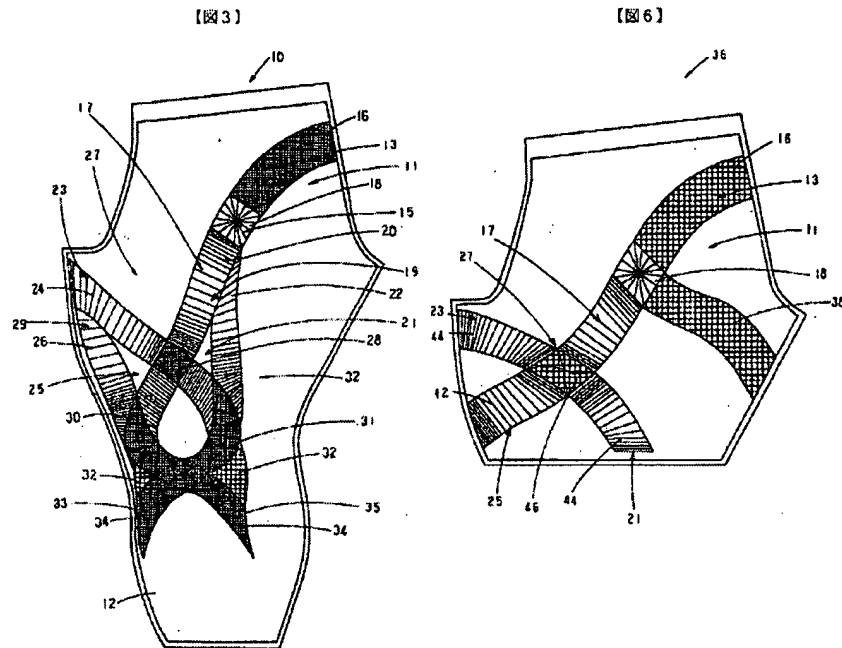
the left and right greater trochanters at left and right outer sides of the wearer's body, and the tightening portion's resistance to stretching in the direction in which the tightening portion runs is made to be lower than the tightening portion's resistance to stretching in the direction orthogonal thereto in a plane parallel to the surface of the skin of the wearer's body over which the tightening portion overlies (emphasis added).

Thus, claim 1 recites the limitation that the tightening portion runs from above the anal cleft, extending over the buttocks and downward to a position overlying the great trochanters to provide support. The desired results of tilting the pelvis forward and improving the posture is produced partly due to the tightening portion's asymmetry in resistance to stretching. Furthermore, claim 1 includes the limitation that the resistance to stretching in the direction in which the tightening portion runs is lower than the portion's resistance to stretching in the direction orthogonal thereto. Likewise, independent claims 2 and 11 also include similar limitations.

*Takatomor* discloses a synthetic resin for placement on sporting clothes, the resin having tightening power stronger than the main body of the clothes for supporting tendons and bands (*Takatomor*, Abstract).

*Takatomor* does not disclose that the tightening portion's "resistance to stretching varies with direction." There is no disclosure that the synthetic resin used in *Takatomor* be asymmetric in its resistance to stretching or that it varies with direction. Moreover, the tightening portion requires that "resistance to stretching in the direction in which the tightening portion runs is made to be lower than the tightening portion's resistance to stretching in the direction orthogonal thereto in a plane parallel to the surface of the skin of the wearer's body over which the tightening portion overlies" as recited in claims 1, 2 and 11. *Takatomor* also fails to disclose that the resistance to stretching in the direction that the portions runs is less than that of the orthogonal direction in which it runs.

These arguments can be better understood with reference to Figures 3 and 6 of *Takatomor*, which have been reproduced below as a courtesy to the Examiner:



In the interview, the Examiner noted that it may be possible to interpret portions 16 and 17 to be orthogonal. Applicants respectfully traverse. Although the Examiner correctly notes that portions 16 and 17 have different stretching resistances, as can be seen from Figures 3 and 6, these portions are not orthogonal. Furthermore, even if the two portions are said to be orthogonal, the claims require that resistance to stretching in the direction in which the tightening portion runs is made to be lower than the tightening portion's resistance to stretching in the direction orthogonal thereto in a plane parallel to the surface of the skin of the wearer's body over which the tightening portion overlies." In other words, the different stretching resistance is altered with respect to the direction that the tightening portion runs. Therefore, even if portions 16 and 17 are said to be orthogonal and they vary in stretching resistance, there is still no teaching or suggestion that the stretching resistance is greater in the direction in which the tightening portion runs, than in the direction orthogonal to it. Thus, because the bands' stretching resistances are uniform, *Takatamor* does not disclose all the limitation of claims 1, 2 and 11.

Thus, *Takatamor* does not disclose the limitations as recited in claim 1. Accordingly, because the prior art does not disclose each and every limitation of the claimed invention,

Applicants respectfully request that the rejections of claims 1-26 under 35 U.S.C. § 102(b) be withdrawn.

**CONCLUSION**

It is respectfully submitted that each of the presently pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby.

Dated: March 17, 2009

Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

EXPRESS MAIL CERTIFICATE

Date 3-17-09 Label No. E10059510200US

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "Express Mail Post Office to Addressee" service.

Denise J. Perez

Name (Print)

DJP

Signature

**EXHIBIT A**

[0010]

[Mode for carrying out the (claimed) invention]

The mode of the present invention is described hereafter based on the drawings. Figs. 1~3 are drawings illustrated a first mode of the present invention, and the mode of a sports pants garment, which is sports pants garment 10, covers the wearer's waistline to the area above the ankles, wherein a cloth 12 with stretchability on which tightening portions are formed in predetermined shapes by placing synthetic resins such as a silicon resin 14 that has stronger stretchability than the cloth 12.

[0011]

Shape of the tightening portions is described hereafter by explaining the relation between the functions and body structures. First, the tightening portions placed on gluteal region of the sports pants garment 10 is explained. A wide, ribbon-like meshed portion 16 of the tightening portions is formed in a semi-circle shape curved upwardly along the upper side of gluteus maximus muscle 11 and gluteus medius muscle 13. The meshed portion 16 formed by placing silicon resin 14 with uniform thickness, in which fine "Nuki" portions (can be translated opening/untreated/uncoated portions) are formed equally spaced, can control tightening force by changing the size or spacing of the "Nuki" portions and has breathability by placing the "Nuki" portions. The supporting force of the meshed portion 16 is in medium degree which is weaker than a "beta" portion 18 and stronger than each border portion of the tightening portions mentioned below. Further, both ends of the border portion 16 extend to the adjacent region of greater trochanter 15 which is a joint area of hip bones and hip joints, each of which is provided with a rectangular "Beta" portion 18 (translated as coated or flattened portion). Each of the "Beta" portions is formed by applying silicon resin 14 with uniform thickness and has strong supporting force for pressing the greater trochanter 15 strongly to stabilize the joints. The "Nuki" portions are formed radially from the center of the "Beta" portion 18, allowing a wearer to exercise comfortably.

[0013]

A tightening portion formed at femoral region is described hereafter. Two border portions 20 and 22 are formed extending from each "beta" portion 18 to the upper side and lower side of a patella respectively, and two border portions 24 and 26 are formed at the inner thigh side of a femoral region extending to the upper side and lower side of a patella respectively. Stripe patterns are formed almost orthogonally to a longitudinal direction at each border portion, 20, 22, 24, and 26, and the supporting force is controlled by changing the space and width of the stripe patterns. The tightening force of the border portions 20 and 22, which is strong at adjacent region to the "beta" portion 18 to support regions at the greater trochanter 15, becomes weaker downward gradually and becomes stronger again at the adjacent region of patella where strong supporting force is needed. As mentioned above, the tightening force is weaker at the intermediate parts of border portions 20 and 22 corresponding to wearer's mobility. Further, the supporting force of the border portions 24 and 26 is weaker at the adjacent region of groin and stronger at the adjacent region of patella.

[0014] The border portion 20 supports intermediate great muscle 17 and muscle 19, the border portion 22 supports muscle 21. The border portion 24 supports muscle 23 and muscle 25 and the border portion 26 supports gracilis muscle. By this, muscle 21 and muscle 25 are supported in X shape by the border portion 20 and border portion 24 to be lifted from below in a crossed(-force) direction applied by the X shape.

[0015]

The border portions 20 and 24 cross each other at the tendon of quadriceps muscle of thigh (above the knee) which is on the upper side of a patella, and a crossed region of the border portions 20 and 24 forms a meshed portion 28. The meshed portion 28 provides strong force to support locally the quadriceps muscle of thigh to which a load is applied locally when a wearer exercises using straight muscle of thigh, preventing the tendon of quadriceps muscle of thigh from damage.

[0017]

A tightening portion formed at a region of knee joint of the sports pants garment 10 is described hereafter. The border portions 20 and 24 extend to lower side of the meshed portion 28 passing the sides of knees, and the border portion 20 is overlying the border portion 26 and the border portion 24 is overlying the border portion 22, and a meshed portion 30 is formed in a semicircle shape along the lower side of the patella. The meshed portion 30 has stronger tightening force than each border portion 20, 22, 24, and 26 to support bands and muscles of a knee. Particularly, by supporting patellar tendon tightly and locally, the tendon of quadriceps muscle of thigh and tendon of patella, which are connected each other, are protected to prevent patella inflammation and muscle strain of straight muscle of thigh 27. Further, supporting force of the meshed portion 30 is in a degree of fixation to protect the knee joint from twist and strong impact, however, by providing a linear "Nuki" portion at the meshed portion 30 to form a block-like shape, the meshed portion 30 has 3-D shape so as to correspond to each movement of a wearer. The part of the sports pants garment for patella forms "Nuki" portions so as not to tighten the patella. Because of greater needs of stretchability due to frequent bending of the knee joints, a meshed portion 32 at the lower side of the both sides of the meshed portion 30 is formed slightly coarser. Because of this, supporting force of the meshed portion 32 is in medium degree and weaker than that of the meshed portion 30.

[0019]

A tightening portion formed at the lower thigh part of the sports pants garment 10 is described hereafter. A pair of meshed portion 34 is formed running downward from the lower side of the meshed portion 30 along the lower side edges of a pair of meshed portion 32. The meshed portion 34 supports gastrocnemius muscle 33, soleus muscle 35 and upper part of ant. tibial muscle and have supporting force of medium degree.

[0021]

The tightening portion of this mode is manufactured by applying and hardening a silicon resin 14 to the cloth 12 by silk screening.

[0022]

This mode of the sports pants garment 10 is provided simply by applying the silicon resin 14 to the cloth 12 in predetermined shapes so that the tightening portions of complicated shapes can be achieved accurately, and taping functions to support knee area in the best condition can be achieved. Further, the manufacturing method is simple enough for forming the tightening portions easily and efficiently. The supporting force of the tightening portions may be set freely by changing the width and spacing of the border portions or coarseness of the meshed portion, and a change can be also made partially (or locally). Manufacturing the pants is inexpensive because of seamless tightening portions, and a wearer can feel better sense of fitting as the stitching is kept to the minimum.

[0023]

The second mode of use of the present application is described hereafter based on the Figs. 5 and 6. Description of the members already described in the first mode is omitted by using the same numerical references to corresponding members. The sports cloths, 36, is a pair of short leggings which cover the wearer's waistline to the area above the knees, wherein a wide, ribbon-like meshed portion 16 formed in a semi-circle shape curved upwardly along the gluteus maximus muscle 11 and gluteus medius muscle. Both ends of the meshed portion 16 runs at the periphery of the great trochanter where the gluteus maximus muscle and the hip joint are joined, and each (of the ends?) is provided with a rectangular- shaped "*Beta*" portion, 18 (translated as coated or flattened portion). A mesh portion 38 runs diagonally from the "*Beta*" portion 18 through the back of the thigh to reach the inner thigh. On the lower abdomen part, a bordered portion 40 is formed in continuation to the "*Beta*" portion 18. The bordered portion 40 stretches at the periphery of the area above the knee at the inner thigh and supports the intermediate great muscle 17 and the rectus femoris muscle 27.

[0024]

This mode of use for the leggings 36 have the same effect as described in the previous mode of use.

[0025]

The sport pants of the present invention is not limited to either mode of use described above. The tightening parts may be formed of materials other than silicon resin, for example, rubber resins with good workability and stretchability. Shape of the tightening parts may also be any shape, for example, a meshed portion can be altered to a "*Beta*" portion.

[0026]

[Effect of Invention]

By just wearing the sport pants of the present invention, the pants provide a taping function which supports various parts of the lower part of the body and thereby preventing damage from a sport injury. Additionally, manufacturing the pants is easy and inexpensive.

[Description of Drawings]

[Fig. 1]

Front view of the sport pants, the first mode of use.

[Fig. 2]

Posterior view of the sport pants, the first mode of use.



[Fig. 3]

Front view before sewing of the sport pants, the first mode of use.

[Fig. 4]

Cross sectional view of the fabric of the sport pants, the first mode of use.

[Fig. 5]

Front view of the sport pants, the second mode of use.

[Fig. 6]

Front view before sewing of the sport pants, the second mode of use.

[Numerical references assigned]

10: Leggings

12: Fabric/Cloth

14: Silicon resin

16, 28, 30, 34: Meshed portion

18: "*Beta*" portion

20, 22, 24, 26: Bordered portion